HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12094 of 2007

Dated 13th August, 2007

Between

P.Satishbabu

…Petitioner

and
Sri Venkateswara Univesity,
Rep. By its Registrar, Tirupathi.

…Respondent.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12094 of 2007

ORDER:

In this Writ Petition, the petitioner seeks a direction by way of Writ of Mandamus to the respondent-University to issue Three-Year Law Degree Certificate, based on his study during the years 2002-2005.

The petitioner, after completing his Intermediate course in the year 1993, joined B.Sc. course in V.R.College, Nellore, which is affiliated to Sri Venkateswara University, Tirupathi. The petitioner appeared for the first year end examinations of B.Sc. course during the month of April, 1995 and passed all the subjects, except English Paper-I. Subsequently, he appeared for the second and third year examinations and passed the same, but, however, he appeared for the left over first year paper, i.e. English Paper-I, in April, 1997 and secured only 26 marks. It is the case of the petitioner that he applied for re-verification and upon such re-verification, he was declared to

have passed in the said subject and was issued provisional pass certificate of B.Sc. course on 19-7-1997. Subsequently, to seek entry into Law course, the petitioner appeared for the Common Entrance Test, i.e. LAWCET-2002 conducted by Sri Padmavathi Mahila University and as he was qualified in the said test, he was granted admission into Three-Year LL.B. course, again, in VR College, Nellore, which is affiliated to Sri Venkateswara University. The LL.B., course is divided into six semesters and it is stated that the petitioner had completed all the semesters successfully. It is the grievance of the petitioner that marks sheets of five semesters were furnished to him, and, though he had successfully completed 6th semester also, but, he was not issued Law Degree Certificate, and the Memorandum of Marks of the 6th semester. It is the case of the petitioner that the said certificates were withheld on the ground that the petitioner did not produce provisional pass certificate of B.Sc. course. When he approached the respondent for issuance of the said certificates, he was informed that he did not qualify in the English Paper-I of B.Sc. course. It is his further case that as he was suggested to appear for the English Paper-I examination, he appeared for the said examination again in the month of April, 2006 and secured pass marks in the said examination. It is submitted that even after production of marks sheet of English Paper-I also, when he was not issued provisional Law Degree Certificate, he has come up with this Writ Petition.

Counter affidavit is filed on behalf of the respondent-University stating that the petitioner did not pass in the examination of English Paper-I of first year B.Sc. course by 2002 and he had passed the said examination only in the month of April, 2006 and as such, he was issued with the provisional Degree Certificate, in the year 2006. While denying the issuance of provisional pass certificate on 19-7-1997, it is

stated that the petitioner seems to have appeared for the LAWCET-2002 by producing false provisional certificate of B.Sc. course. Precisely, it is the case of the respondent that as the petitioner had completed B.Sc. degree course only during the moth of April, 2006, he is not entitle for issuance of provisional Certificate of Law course.

Heard Sri S. Suryaprakash Rao, learned Counsel appearing for the petitioner and Sri K. Jaganmohan Reddy, learned Counsel appearing for the respondent.

It is submitted by Sri S.Suryaprakash Rao, learned Counsel appearing for the petitioner that at the first instance, when the petitioner did not secure pass marks in English Paper-I examination, he appeared again in the month of April, 1997 and though he did not secure pass marks, however, he applied for re-verification and upon such re-verification, he was declared to have secured pass marks and based on the same he was issued provisional pass certificate on 19-7-1997. It is submitted that in any event, as the petitioner was qualified in LAWCET-2002 and, was allotted a seat in Law course based on the rank secured by him and having completed the Law course after such allotment, there is no reason for withholding the certificates of the petitioner. It is submitted that in any event, as there was no dispute with regard to passing of left over English Paper-I of B.Sc. degree course, and completion of Law Degree course, the petitioner is entitle for issuance of all certificates of LL.B.

On the other hand, it is submitted by Sri K.Jagan Mohan Reddy, learned Standing Counsel appearing for the respondent that as the petitioner did not pass in the English Paper-I of first year B.Sc., and no provisional certificate was issued to him, he would not be entitle to seek admission in LL.B. course and complete the same and therefore,

the certificates relating to LL.B. course are rightly not issued to him.

Though it is stated in the counter affidavit that the petitioner seems to have appeared for LAWCET-2002 based on false marks memorandum and provisional certificate, but however, the learned Standing Counsel fairly admitted that no enquiry was conducted in this regard and even Sri Padmavathi Mahila University, which had conducted LAWCET-2002 was also not addressed in this regard.

In the light of the above pleadings, it is to be seen, that according to the petitioner though he was declared failed in I year English Paper-I of B.Sc., but, on re-verification, he was declared to have passed in the said subject and provisional pass certificate of B.Sc. course was also issued to him and based on the same, he had applied for LAWCET-2002 and upon being qualified in LAWCET-2002, he was also allotted a seat in LL.B., Three-Year Law Degree course in the year 2002 and completed the same in the year 2005. If the petitioner is not qualified to appear for the LAWCET-2002 for admission into LL.B. course, the respondents would have prevented him from appearing the LAWCET-2002. It is the case of the petitioner that on re-verification, he was declared to have passed in English Paper-I and provisional pass certificate of B.Sc. course was issued in the year 1997 and the same in original was also submitted to the respondents while appearing for LAWCET-2002 and admission into LL.B. course. While it is open for the respondents to verify the said certificates, but, however, having been admitted the petitioner to the LL.B. course and allowed him to complete the said course in VR College, from where he had completed his graduation, he cannot be denied of issuance of the certificates of L.L.B. course after completion by him. It is surprising to note that would the respondents not verify the certificates in original at the time of entry into course, and, allow the

petitioner to complete all the six semesters of Three-Year Law course. Though in the counter affidavit, the respondents have denied the issuance of degree provisional pass certificate in the year 1997 and stated that the petitioner appeared for LAWCET-2002 by producing false certificates, but so far no enquiry is conducted in that regard. Though an averment is made in the counter affidavit that the petitioner might have secured the false provisional pass certificate of B.Sc. course, but however, Sri Padmavathi Mahila University, which conducted LAWCET-2002 was also not addressed in that regard at all. As much as admission to and completion of LL.B. course is not in dispute, the respondent cannot withhold the certificates of the petitioner on the ground that the petitioner did not produce valid Degree Certificate, of B.SC course and he appeared for the left over subject of English Paper-I of B.SC course in the month of April, 2006.

Further, it is the case of the petitioner that though at first instance he did not secure pass marks in English Paper-1, but on re-verification , he was declared to have passed in the said subject and he was issued provisional pass certificate. In view of the appearance of the petitioner in the examination for the left over subject of English Paper-I of B.Sc. course again in the month of April, 1997 and in view of completion of LL.B., course, while it is open for the respondent-University to make enquiry as to whether the petitioner was issued provisional pass certificate on 19-7-1997 or not, but, the respondent-University cannot withhold the certificates of the petitioners after completion of Three-Year Law course. The V.R. College, from where the petitioner had studied LL.B., course, did not address either respondent-University or the Sri Padmavathi Mahila University, which conducted LAWCET-2002, in this regard, and, even the respondent-University also did not scrutinize the eligibility criteria for three long years, and, permitted the petitioner to complete the Law course. As much as the petitioner has successfully completed Three-Year Law

course after being qualified in the LAWCET-2002 and admitted into the Law course, it is not open for the respondent-University to withhold the certificates of Law course indefinitely at this stage. The respondents are at liberty to conduct enquiry as to whether the petitioner was issued provisional pass certificate of B.Sc. course earlier or not.

In that view of the matter, I allow the Writ Petition, by directing the respondents to issue Memorandum of Marks of 6th semester of Law course, and, other consequential certificates, i.e. provisional certificate, etc., to which the petitioner is entitle to . However, it is made clear that it is open for the respondent-University to conduct enquiry with regard to issuance of provisional pass certificate of B.Sc course in the year 1997 to the petitioner.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 13th August, 2007.
Msnr.